

§ 20.305

TABLE 20.304(d)—HOW TO SERVE FILED DOCUMENTS—Continued

Type of filed document	Acceptable methods of service
(4) Any other filed document.	(i) Mail. (ii) Personal delivery. (iii) Express-courier service. (iv) Fax. (v) Other electronic means (at the discretion of the ALJ).

(e)(1) Unless the ALJ orders otherwise, if a party files a document under § 20.302, the party must serve a copy to the person indicated in this table.

TABLE 20.304(e)—WHO RECEIVES COPIES OF FILED DOCUMENTS

If a party—	Then the serving party must serve—
Is represented	The counsel or other representative.
Is not represented ..	The party.

(2) Service upon counsel or representative constitutes service upon the person to be served.

(f) The serving party must send service copies to the address indicated in this table.

TABLE 20.304(f)—WHERE TO SEND SERVICE COPIES

If the party—	Then the serving party must send the copies to—
Is represented	The address of the counsel or representative.
Is not represented ..	The last known address of the residence or principal place of business of the person to be served.

(g) This table describes when service of a filed document is complete.

TABLE 20.304(g)—WHEN SERVICE IS COMPLETE

If method of service used is—	Then service is complete when the document is—
(1) Personal delivery (Complaint or Default Motion).	(i) Handed to the person to be served. (ii) Delivered to the person's office during business hours. (iii) Delivered to the person's residence and service made to a person of suitable age and discretion residing at the individual's residence.
(2) Personal delivery (all other filed documents).	(i) Handed to the person to be served. (ii) Delivered to the person's office during business hours. (iii) Delivered to the person's residence and deposited in a conspicuous place.

33 CFR Ch. I (7–1–09 Edition)

TABLE 20.304(g)—WHEN SERVICE IS COMPLETE—Continued

If method of service used is—	Then service is complete when the document is—
(3) Certified Mail or express-courier (Complaint or Default Motion).	(i) Delivered to the person's residence and signed for by a person of suitable age and discretion residing at the individual's residence. (ii) Delivered to the person's office during business hours and signed for by a person of suitable age and discretion.
(4) Mail or express-courier service (all other filed documents).	(i) Mailed (postmarked). (ii) Deposited with express-courier service.
(5) Fax or other electronic means.	Transmitted.

(h) If a person refuses to accept delivery of any document or fails to claim a properly addressed document other than a complaint sent under this subpart, the Coast Guard considers the document served anyway. Service is valid at the date and the time of mailing, of deposit with a contract service or express-courier service, or of refusal to accept delivery.

[CGD 98–3472, 64 FR 28062, May 24, 1999; 64 FR 34540, June 28, 1999, as amended by USCG–2000–7223, 65 FR 40054, June 29, 2000]

§ 20.305 Amendment or supplementation of filed documents.

(a) Each party or interested person shall amend or supplement a previously filed pleading or other document if she or he learns of a material change that may affect the outcome of the administrative proceeding. However, no amendment or supplement may broaden the issues without an opportunity for any other party or interested person both to reply to it and to prepare for the broadened issues.

(b) The ALJ may allow other amendments or supplements to previously filed pleadings or other documents.

(c) Each party or interested person shall notify the Hearing Docket Clerk, the ALJ, and every other party or interested person, or her or his representative, of any change of address.

§ 20.306 Computation of time.

(a) We compute time periods as follows:

(1) We do not include the first day of the period.

Coast Guard, DHS

§ 20.309

(2) If the last day of the period is a Saturday, Sunday, or Federal holiday, we extend the period to the next business day.

(3) If the period is 7 days or less, we do not include Saturdays, Sundays, or Federal holidays.

(b) If you were served a document (by domestic mail) that requires or permits a response, you may add 3 days to any period for response.

(c) If you need additional time to file a response, follow the rules in these tables.

(1) You may request an extension—

TABLE 20.306(c)(1)—HOW TO REQUEST AN EXTENSION

If the response period—	By—
Has not expired	Telephone, letter, or motion.
Has expired	Only by motion describing why the failure to file was excusable.

(2) You file your request as follows:

TABLE 20.306(c)(2)—WHERE TO FILE AN EXTENSION REQUEST

If—	Then you file your request with the—
An ALJ has not been assigned	Hearing Docket Clerk.
An ALJ has been assigned	ALJ.
Your case is on appeal	Hearing Docket Clerk.

§ 20.307 Complaints.

(a) The complaint must set forth—

(1) The type of case;

(2) The statute or rule allegedly violated;

(3) The pertinent facts alleged; and

(4)(i) The amount of the class II civil penalty sought; or

(ii) The order of suspension or revocation proposed.

(b) The Coast Guard shall propose a place of hearing when filing the complaint.

(c) The complaint must conform to the requirements of this subpart for filing and service.

§ 20.308 Answers.

(a) The respondent shall file a written answer to the complaint 20 days or less after service of the complaint. The answer must conform to the require-

ments of this subpart for filing and service.

(b) The person filing the answer shall, in the answer, either agree to the place of hearing proposed in the complaint or propose an alternative.

(c) Each answer must state whether the respondent intends to contest any of the allegations set forth in the complaint. It must include any affirmative defenses that the respondent intends to assert at the hearing. The answer must admit or deny each numbered paragraph of the complaint. If it states that the respondent lacks sufficient knowledge or information to admit or deny a particular numbered paragraph, it denies that paragraph. If it does not specifically deny a particular numbered paragraph, it admits that paragraph.

(d) A respondent's failure without good cause to file an answer admits each allegation made in the complaint.

§ 20.309 Motions.

(a) A person may apply for an order or ruling not specifically provided for in this subpart, but shall apply for it by motion. Each written motion must comply with the requirements of this subpart for form, filing, and service. Each motion must state clearly and concisely—

(1) Its purpose, and the relief sought;

(2) Any statutory or regulatory authority; and

(3) The facts constituting the grounds for the relief sought.

(b) A proposed order may accompany a motion.

(c) Each motion must be in writing; except that one made at a hearing will be sufficient if stated orally upon the record, unless the ALJ directs that it be reduced to writing.

(d) Except as otherwise required by this part, a party shall file any response to a written motion 10 days or less after service of the motion. When a party makes a motion at a hearing, an oral response to the motion made at the hearing is timely.

(e) Unless the ALJ orders otherwise, the filing of a motion does not stay a proceeding.

(f) The ALJ will rule on the record either orally or in writing. She or he may summarily deny any dilatory, repetitive, or frivolous motion.